

REMARKS

This is a full and timely response to the Official Action mailed **January 25, 2006**.

Reconsideration of the application in light of the above amendments is respectfully requested.

Claims 1-18 were originally filed.

Claims 2-4, 6-12, 14-16, and 18 were previously cancelled without prejudice.

Claims 1 and 13 have been amended.

Claim 19 has been added.

Accordingly, claims 1, 5, 13, 17, and 19 are pending.

Claims 1, 5, 13, and 17 stand rejected under 35 USC 102(b) as being anticipated by or, in the alternative, under 35 USC 103(a) as being obvious over *Schartz* (US Patent No. 4,522,570).

Independent Claims 1 and 13 have been amended further clarify that which is being claimed. Accordingly, and for at least the following reasons, it is respectfully submitted that these rejections have been traversed. Hence, it is requested that the Examiner reconsider and withdraw the rejections.

As amended, independent Claim 1 recites (*emphasis added*) an offset web interconnecting the adjacent resilient tubes, *wherein the resilient tubes and the offset web are integrally formed*, and each of the resilient tubes has a cross-sectional centerline occurring in a common plane and *the offset web only interconnects the resilient tubes in an area outside of the common plane*.

Schartz does teach a plurality of tubes with cross-sectional centerlines occurring in a common plane. *Schartz* does not disclose nor reasonably suggest integrally formed resilient tubes and offset web. Instead, *Schartz* teaches that the tubes are connected to a separate metal rack 43 (see, e.g., Fig. 5). Furthermore, *Schartz* does not disclose nor reasonably suggest having the offset web only interconnecting the resilient tubes in an area outside of the common plane. Clearly the metal rack 43 interconnecting *Schartz*'s tubes does so within the common plane.

As taught in the present application (see, e.g., paragraphs [008] and [0015]), one of the benefits of this novel offset web can be that it does not interfere with or otherwise degrade the compressibility or changing geometry of the tubes during pumping operations. *Schartz* does not recognize nor offer a solution to such potential problems. Indeed, it would appear from the drawings that *Schartz*'s separate metal rack might interfere with the compressibility of the nearby portions of the tubes.

For at least these reasons, *Schartz* fails to anticipate or render obvious the tube component as recited in Claim 1, and Claim 5 which depends there from.

As amended, independent Claim 13 recites (*emphasis added*) interconnecting the adjacent resilient tubes with an offset web, *the resilient tubes and offset web being integrally formed*, and wherein each of the resilient tubes has a cross-sectional centerline occurring in a common plane, the rotary portion of the pump includes a rotary area of pump operation, and *the resilient tubes are only interconnected with the offset web in an area outside of the common plane* and in an area outside the rotary area of pump operation.

As pointed out above, *Schartz* does not disclose nor reasonably suggest integrally formed resilient tubes and offset web and/or having the offset web only interconnecting the resilient tubes in an area outside of the common plane.

For at least these reasons, *Schartz* fails to anticipate or render obvious the method as recited in Claim 13, and Claim 17 which depends there from.

Claims 1 and 13 stand rejected under 35 USC 102(b) as being anticipated by or, in the alternative, under 35 USC 103(a) as being obvious over *Ferrari et al.* (US Patent No. 2,865,303).

Independent Claims 1 and 13 have been amended further clarify that which is being claimed. Accordingly, and for at least the following reasons, it is respectfully submitted that these rejections have been traversed. Hence, it is requested that the Examiner reconsider and withdraw the rejections.

As amended, independent Claim 1 recites (*emphasis added*) an offset web interconnecting the adjacent resilient tubes, *wherein the resilient tubes and the offset web are integrally formed*, and each of the resilient tubes has a cross-sectional centerline occurring in a common plane and *the offset web only interconnects the resilient tubes in an area outside of the common plane*.

Ferrari et al. teaches using separate junction blocks 34A-B connected to a plurality of rigid tubular members 40 and 42 that then connected to flexible tubes 44. The rigid tubular members and flexible tubes appear to have cross-sectional centerlines occurring in a common plane. Consequently, *Ferrari et al.* does not disclose nor reasonably suggest integrally formed resilient tubes and offset web. Furthermore, *Ferrari et al.* does not disclose nor

reasonably suggest having the offset web only interconnecting the resilient tubes in an area outside of the common plane. Clearly the junction blocks 34A-b and rigid tubular members 40 and 42 interconnect with the flexible tubes 44 within the common plane.

Again, as taught in the present application (see, e.g., paragraphs [008] and [0015]), one of the benefits of this novel offset web can be that it does not interfere with or otherwise degrade the compressibility or changing geometry of the tubes during pumping operations. *Ferrari et al.* do not recognize nor offer a solution to such potential problems. Indeed, it would appear from the drawings that the separate (Lucite) junction blocks and/or rigid tubular members might interfere with the compressibility of the nearby portions of the flexible tubes.

For at least these reasons, *Ferrari et al.* fail to anticipate or render obvious the tube component as recited in Claim 1.

As amended, independent Claim 13 recites (*emphasis added*) interconnecting the adjacent resilient tubes with an offset web, *the resilient tubes and offset web being integrally formed*, and wherein each of the resilient tubes has a cross-sectional centerline occurring in a common plane, the rotary portion of the pump includes a rotary area of pump operation, and *the resilient tubes are only interconnected with the offset web in an area outside of the common plane* and in an area outside the rotary area of pump operation.

As pointed out above, *Ferrari et al.* do not disclose nor reasonably suggest integrally formed resilient tubes and offset web and/or having the offset web only interconnecting the resilient tubes in an area outside of the common plane.

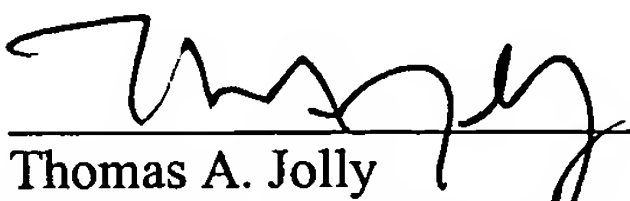
For at least these reasons, *Ferrari et al.* fail to anticipate or render obvious the method as recited in Claim 13.

Dependent Claim 19 was added to recite limitations that were previously included within Claim 1 and already examined/searched. The limitation of Claim 19 was also examined and searched for as dependent Claim 3 (previously cancelled).

The pending claims are patentable over the cited art. Hence, it is respectfully requested that the patent application be granted.

Respectfully submitted,

DATE: 4/25/2006


Thomas A. Jolly
Registration No. 39,241